

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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GO ASK ANYONE, INC.,

Plaintiff,

v.

CHRONICLE BOOKS, INC.,

MAURA WALTRIP,

CAMERON MOORE

Defendants.

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Civil Action No. 05-11908-RWZ

**JOINT MOTION FOR ENTRY OF CONSENT DECREE AND JUDGMENT**

The Plaintiff, Go Ask Anyone, Inc. and Defendants, Chronicle Books, Maura Waltrip and Cameron Moore herein jointly move for entry of the Consent Decree and Judgment attached hereto. In support of this Motion, the parties state as follows:

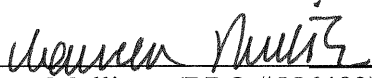
1. After substantial negotiations over several months, the parties have reached a Settlement Agreement regarding the above referenced case.

2. An essential part of the agreed-upon settlement is the entry of the Consent Decree and Judgment attached hereto.

3. The Consent Decree and Judgment effectuates the will of the parties and, if entered by the Court, will conclude this litigation upon terms and conditions deemed acceptable to all parties.

WHEREFORE, the parties respectfully request that this Joint Motion for Entry of Consent Decree and Judgment be allowed and that the attached Consent Decree and Judgment be entered by this Court forthwith.

**GO ASK ANYONE, INC.,**  
By its attorneys,

  
\_\_\_\_\_  
Maureen Mulligan (BBO #556482)  
Stacey Friends (BBO #647284)  
RUBERTO, ISRAEL & WEINER, P.C.  
100 North Washington Street  
Boston, Massachusetts 02114  
(617) 742-4200

**CHRONICLE BOOKS, MAURA  
WALTRIP and CAMERON MOORE,**  
By their attorneys,

\_\_\_\_\_  
Neil L. Shapiro, Esquire  
LAW OFFICES OF NEIL L. SHAPIRO  
2100 Garden Road, Suite C  
Monterey, CA 93940

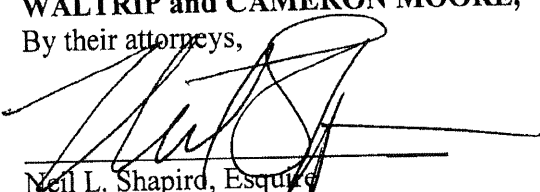
Dated: November 16, 2005

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By its attorneys,

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2100 Garden Road, Suite C  
Monterey, CA 93940

Dated: November 16, 2005

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**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**GO ASK ANYONE, INC.,**

**Plaintiff,**

**v.**

**CHRONICLE BOOKS, INC.,**

**MAURA WALTRIP,**

**CAMERON MOORE**

**Defendants.**

---

**Civil Action No. 05-11908-RWZ**

**CONSENT DECREE AND JUDGMENT**

Pursuant to Fed. R. Civ. P. 58, and upon the stipulation of the parties, as indicated by the signature of counsel below, the Court orders that this Consent Decree and Judgment (“Consent Decree”) be entered as the final order and judgment in this matter and in accordance with the stipulated Recitals stated herein, and for good cause shown, it is ORDERED, ADJUDGED, and DECREED as follows:

**I. RECITALS**

1. On September 20, 2005, Go Ask Anyone, Inc. (“Go Ask Anyone”) filed a lawsuit in the United States District Court for the District of Massachusetts titled *Go Ask Anyone, Inc. v. Chronicle Books, Maura Waltrip, Cameron Moore*, United States District Court, District of Massachusetts, Civil Action No. 05-11908 RWZ (the “Action”). The dispute involves a claim for trademark infringement.

2. Both parties agree that this controversy should be resolved without further litigation and have both entered into a Settlement Agreement and Mutual Release (the "Settlement Agreement") and stipulated to the entry of this Consent Decree to resolve all issues.

3. The parties agree to the entry of this Consent Decree, which is an essential part of the resolution of this lawsuit. The parties agree that this Consent Decree, to be entered as the Court's final order, Judgment and decree in this case, shall effectuate the will of the parties.

4. All parties are represented by counsel in these negotiations. Each of the parties acknowledges that the stipulation of counsel to this Consent Decree and the parties' joint request that the Court enter this Consent Decree are the free acts and deeds of the parties.

## **II. DECREE and JUDGMENT**

**As the final decree and Judgment in this action, Defendants (as defined below) are hereby permanently enjoined as follows:**

### **A. Definitions**

1. The term "Go Ask" shall refer to Go Ask Anyone, Inc. and its respective present and former parents, subsidiaries, divisions, affiliates, predecessors, successors, assigns, officers, directors, employees, representatives, agents, attorneys, and insurers.

2. The term "Defendants" shall refer collectively to Chronicle Books LLC, Maura Waltrip and Cameron Moore and their present and former parents, subsidiaries, divisions, affiliates, predecessors, successors, assigns, officers, directors, employees, representatives, agents, attorneys, and insurers.

3. The term "GO ASK" family of marks refers to those marks registered by Go Ask Anyone, Inc. in connection with its question card deck products.

**B. Cessation of Use**

1. Defendants agree to cease any and all use of the name ASK IT, alone or in combination with other words, and all use of any similar names or marks or variations thereof that could cause a likelihood of confusion with GO ASK family of marks on question card decks or related products.

2. Defendants agree to cease any and all use of the “thought bubble” design element of the current packaging of the ASK IT product for any question card decks or related products.

3. In connection with the termination of the use of ASK IT and the product packaging, Defendants agree to:

- a) notify Amazon.com that the “Ask It” deck, ISBN 081184221, has been discontinued and will request that Amazon.com remove any reference to that product from its website. Chronicle shall also notify electronically any other vendor with an outstanding order for “Ask It” that the referenced product, identified by its ISBN number, has been discontinued. Chronicle shall not fill any existing order for “Ask It” decks with that product or any other. Chronicle will instruct Amazon.com to cancel all back log orders received for ISBN number referenced above and further instruct Amazon not to fill those back orders with an alternative Chronicle product;
- b) remove all references to the “Ask It” product and the Oprah Magazine promotion that mentions “Ask It” from its website; and
- c) destroy the packaging for the remaining 6,500 ASK IT decks and confirm that such destruction has occurred.

**III. REMEDY FOR VIOLATION**

**It is FURTHER ORDERED that:**

1. In case of a material violation of this Consent Decree by either party, the other party shall be entitled to remedies provided by law for violation of judgments and equitable decrees of this Court, specific enforcement, and any other damages available under law, plus all reasonable attorneys' fees that arise from the violation or are reasonably required for enforcement.

**IV. BAR AND MERGER**

**It is FURTHER ORDERED that:**

1. All actions including, but not limited to, claims, counterclaims, and all relief sought by either party for occurrences prior to the date hereof, including but not limited to damages, equitable relief, and attorneys' fees arising out of this set of facts will merge into the Consent Decree. Accordingly, except for violations of this Consent Decree or the Settlement Agreement, neither party shall pay the other party any damages for any allegations, claims or counterclaims alleged or that could have been alleged in the lawsuit.

2. However, notwithstanding the foregoing, the Settlement Agreement between the parties shall not be merged into this Consent Decree, but rather shall survive the entry of this Decree.

3. Pursuant to the stipulation of the parties, appeals are waived, and except as otherwise provided herein, each party shall bear its own costs and attorney's fees.

4. The Clerk shall cause this Consent Decree to be ordered on the docket forthwith.

V. MISCELLANEOUS

1. This Court retains jurisdiction over this action for the purpose of adjudicating any disputes regarding the implementation or enforcement of the provisions of this Consent Decree.

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Rya W. Zobel  
United States District Court Judge

The undersigned counsel hereby consent to the entry of this Consent Decree for the parties respectively.

GO ASK ANYONE, INC.  
By its attorneys,

CHRONICLE BOOKS, INC., MAURA  
WALTRIP and CAMERON MOORE,  
By their attorneys,

  
\_\_\_\_\_  
Maureen Mulligan (BBO#556482)  
Stacey Friends (BBO#647284)  
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100 North Washington Street  
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\_\_\_\_\_  
Neil L. Shapiro  
LAW OFFICES OF NEIL L. SHAPIRO  
2100 Garden Road, Suite C  
Monterey, CA 93940

Dated: November 16, 2005



V. MISCELLANEOUS

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ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

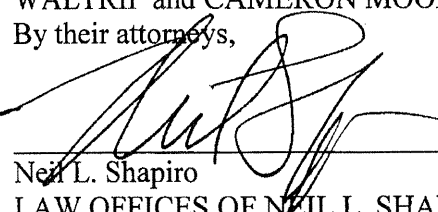
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